

SEP-08-2005 THU 05:33 PM LACASSE & ASSOCIATES

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P. 04

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09/556,303

In the Drawings:

None

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This amendment is in response to the Examiner's Office Action dated 6/8/2005. This amendment should obviate outstanding issues and make the remaining claims allowable. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 23-39 are pending.

Claims 27-29, 34 and 36 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 23-39 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and claim the subject matter which applicant regards as the invention.

Claims 23-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Matchup software, as disclosed in [URL:<http://wcb.archive.org/web/19990220025029/members.aol.com/win4sports/freedoc.html>], last modified August 4, 1998, in view of Silverberg (USP 6,216,110).

OVERVIEW OF CLAIMED INVENTION

The presently claimed invention integrates both the time scheduling capabilities of a calendar system and the efficient matching functions of pairing services into one application that is powerful for many users, organizations and types of services. By integrating a calendar system with a matching service, the capabilities of the calendaring system will not only match an entity's similar interests or needs, but also provide a matching of events or activities according to a particular duration of time and where the event is to occur. This not only allows an entity to

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locate other entities that would be interested in a particular activity, but also allows an entity to locate other entities who can participate in the activity at particular times. The system matches events on a regular interval, and notifies each entity that a match has been found. Another advantage of the present invention is that it is of greater convenience to the entity to create a calendar event, rather than filling out, for instance, a separate application in which an entity does not remain anonymous. By easing the process of requesting a match operation, entries into the system are more readily made.

In the Specification

The examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter, in particular, the term "period of time." Applicants have amended the independent claims (23, 32, and 39) to correspond to the terminology in the specification, which were previously submitted in an Amendment After Final submitted on 12/08/2004, and as suggested by the Examiner Interview held on 11/10/2004.

In the Claims

REJECTIONS UNDER 35 U.S.C. § 112

Claims 27-29, 34 and 36 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 27, 28, and 29 have been amended. Claim 34 has also been amended. Claim 36 is dependent on claim 34 and therefore should be addressed with respect to the amended claim.

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Claims 23-39 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and claim the subject matter which applicant regards as the invention.

Claims 23, 32, and 39 have been amended to reflect a duration of time as supported by the specification and drawings, and thus are in accordance with 35 U.S.C. § 112 in that they are consistent with the use of terminology in relation to the specification. As claims 24-31 and 33-39 are dependent from claims 23 and 32 the above amendments should also apply.

The examiner states on page 5 of the rejection that “‘calendar store’ recited by independent claims 23, 32, and 39...is ambiguous.” Only claim 23 claims and recites the term “calendar store.” Nonetheless, claim 23 has been amended to recite its function (“retaining at least one calendar and events associated with said calendar”). As claims 24-31 are dependent from claim 23, the above amendment should also apply.

The examiner states on page 5 that “timer module recited in claim 24 does not expressly incorporate any associated functionality.” Applicants disagree with this statement. (Please also note that this matter was previously addressed in the Amendment After Final submitted on 12/08/2004.) A closer reading of the claim states that the timer module is used to match events according to its schedule. Additional support is provided on page 12 of the specification, where it is stated that the timer module “is utilized to schedule the matching searches on a regular interval,” and on page 14 of the specification, the match engine searches the repository “to find a suitable match to the event at specified times indicated by timer module.” That is, the match engine may search the repository, for example, every hour until a match is found. Although Applicants feel the metes and bounds of the timer module are positively recited, an amendment has been made to further clarify the timer module searching “according to a schedule” on regular intervals, as provided in the newly amended claim 23.

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REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 23-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Matchup software, as disclosed in [URL:<http://web.archive.org/wcb/19990220025029/> members.aol.com/win4sports/freedoc.html], last modified August 4, 1998, in view of Silverberg (USP 6,216,110 B1).

The primary reference, Matchup, is a program executed in DOS on a local computer that creates a small database to store information such as name, address, phones, and general data (notes). Matchup assumes that a user will enter data for people (see Matchup, pages 4 and 5). Activity—and, alternatively, level or time—is then entered for each of the “people”. After the data is entered, a search can be performed meeting the selected criteria—activity, level, or times that “people” are available.

The secondary reference, Silverberg (USP 6,216,100 B1), describes a computerized calendar program in a publicly-accessible network wherein a second user can access the availability of a first user to see if the first user is likely to be able to attend an event. Publicly accessible files are queried to allow a second user to plan a time for a meeting that is more likely to maximize the number of proposed attendees that can attend. Once the availability information for the proposed attendee is retrieved, the user can select an appropriate time at which to plan the meeting.

One of the goals of the present invention is to integrate the time scheduling of a calendar system with a matching service, therefore allowing a user not only to be presented with a match of similar interests or needs, but also to allow a user to locate other entities or parties who can participate in the match interest or need at a particular time in the future. With regard to claim 23, Matchup does not disclose any type of electronic calendar event matching system or calendar store as described in the present invention. On page 6 the examiner states “Matchup discloses

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an electronic calendar event matching system" and a calendar store. Contrarily, the Examiner states on page 8 that "Matchup is a standalone program that is executed in DOS and is run at a local computer off of a floppy disk." Matchup does not provide, teach, or suggest a calendar matching system or a calendar store as provided in the currently amended claim(s). The calendar store of the present invention retains the properties and calendar components (events) of multiple calendars (see specification, page 14). The Examiner states that a calendar store and a match server are used in Matchup. However, Matchup fails to mention a calendar store and calendar events as a part of the search criteria for a match, and Matchup does not retain a calendar(s) or events associated with calendars. The use of a calendar or electronic calendar application is not present or suggested in Matchup nor is it described pages 4, 5, 7-10 or 12 as provided by the Examiner. Furthermore, Matchup does not describe the use of a match server that is connected to a calendar store by an electronic calendar application. The match server of the present invention comprises elements that locate an event match to a registered calendar entry. As the calendar component of the claims of the present invention is not disclosed or described at all in the Matchup reference, Matchup fails to provide the basic elements of each of the claims.

In addition, Matchup does not register, store, notify, search, delete or update a user's electronic calendar as identified in the present invention, and therefore is not described or anticipated.

Matchup requires that a user create "people ID" records in a database. Matchup also requires that a user identify a particular activity (e.g., tennis, chess, poker, etc.) for each "people ID" and that the user enter the times that people are available (see Matchup, page 7). One goal of the present invention is to allow a user to locate other entities or parties who can participate in a match interest or need during a particular duration of time by matching calendar events of two people. Matchup requires the user to know the activities of each of the individuals/"people IDs".

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However, the times they are available for a particular activity as search criteria are optional. In fact, the pages that the Examiner cites (pages 4, 5, 7-10, and 12) actually teach away from the claims present invention. The present invention claims require that the calendar event be defined by a particular duration of time. On page 9 of Matchup it is noted that when performing a search for an activity "times are optional." The Examiner reinforces this statement on page 8 noting that "Matchup matches events without prior knowledge of a set time, place, etc. that will be matched." Claim 23 requires not only the duration of time but also where the event is to occur as part of the match. Neither Matchup nor Silverberg provide or suggest "where an event is to occur" as part of the match criteria. Therefore, the searching in Matchup or Silverberg, or their combination, does not teach or suggest the required elements for a match as in the present invention.

Also, Matchup only searches those "people IDs" and activities that have been previously entered by a user and does not search registered events of a second user. This teaches away from a goal of the present invention to match calendared events of a first entity and second entity. The Examiner states on page 9 of the rejection that "Matchup desires to schedule various types of events among participants who may not know each other." Applicants disagree with the Examiner's statement, in that Matchup is a database for storing information and Matchup only searches "people IDs" that are entered into the program—page 4 of Matchup states "it is assumed that you will enter the data for people" and "after the activity data have been entered, you can search for people meeting selected criteria." Also, page 9 states "activity must be entered exactly as it had been entered for the people." Therefore, Matchup provides no teaching, suggestion, or desire to match a first and second entity using an electronic calendar system. Matchup does not route a first calendar event to match with a second calendar event in a calendar store using an electronic calendar application and match server as provided in the claims.

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Claim 23 (as currently amended) has a timer module for performing searches at regular intervals. Matchup only performs a search when a user opens the main menu and selects "5. Activity search" (see Matchup, pages 5 and 9). The user enters an activity and a search is conducted. Also, Silverberg fails to disclose a timer module as provided. The Examiner reinforces this argument on page 10 of the rejection stating "neither Matchup nor Silverberg expressly teaches a timer module that includes a schedule for match engine searches." "Matching events on a regular interval according to a schedule", a required element as per claim 23, is not provided in Matchup or Silverberg. The Examiner states that "automation" is "old and well-known." However, it would not have been obvious to modify the combination of Matchup-Silverberg in that the combination of Matchup and Silverberg do not provide the elements as required in the present invention (further discussed below).

Furthermore, claim 23 states that "said response handler notifies said first entity and said second entity of said match." The Examiner states on page 8 of the rejection that pages 11-12 of Matchup "suggests notifying the people identified through the match of these match results since mailing labels are printed for these people." However, Matchup does not use an electronic calendaring system to make notification of a match. The response handler of the present invention is part of the match server in the electronic calendaring system of the present invention. The printing of mailing labels is not equivalent to the response handler of the present invention. Matchup does not disclose a response handler or electronic calendaring system as required by the claims.

Further, because Matchup fails to provide or anticipate each and every element in claim 23, dependent claims 26-31 (claims 24 and 25 have been cancelled) are not anticipated by Matchup as they inherit the limitations of the independent claim. In particular, Matchup does not provide the elements of claims 23, 30, 31, further addressed below.

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On page 8 the examiner notes that "Matchup is not expressly disclosed as utilized in a client-server environment (claim 23), much less one that may be implemented locally or remotely on one or more computer-based systems, across networks (claim 30), wherein said across networks element comprises any of LANs, WANs, cellular, or Internet or Web based networks (claim 31)." The Examiner then states that "Silverberg lays the groundwork for a client-server environment...and assists a user requesting a meeting in compiling his/her own availability information in addition to that of another user...(and) when an available meeting time is identified, the calendar program can automatically alert the first and second users to a potential meeting time." It is then suggested on page 9 that Silverberg is "reasonably pertinent to the goal of Matchup." However, as previously noted above, applicants disagree with the Examiner's next statement that "Matchup desires to schedule" events of those who may not know each other in that Matchup is a database for storing information and only searches "people IDs" that are entered into the program (see pages 4 and 9). On page 9 the Examiner states that because "Silverberg facilitates the scheduling of events among users and non-users of a calendar program who may be remotely located" it would have been obvious to "upgrade the Matchup program to be utilized in a client-server environment..or across networks...as taught by Silverberg." However, Matchup provides no teaching, suggestion, or motivation for a using a client-server or network environment where schedules or calendars are available. A previously noted, Matchup is a standalone program, executed in DOS, and run at a local computer off of a floppy disk. Matchup is designed to be used with a personal computer and not shared or used across a network. Therefore, because there is no suggestion or motivation to combine Matchup with Silverberg, the combination of references is incorrect and does not teach the claimed elements of the present invention.

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Even if the combination of Matchup and Silverberg were deemed correct, the Matchup-Silverberg combination would not provide at least the following elements of the present invention: the match found "based on duration of time and where the event is to occur", or "a timer module for matching events on regular interval according to a schedule."

The currently amended claim 29 requires the element "variable prices or rates are available during a time period for a commerce activity." On pages 10-11 of the rejection the Examiner states that "neither Matchup nor Silverberg expressly teaches" times for a commerce activity having variable prices or rates. The Examiner states that Matchup mentions matching participants for a sporting event and that cost is based on a respective date and/or time during which the sporting event occurs. However, as previously noted, Matchup does not require time or duration of time as part of a match. Further, Matchup does not provide or suggest a price or rate "during a time period." Therefore, including the limitations of the claims in which claim 29 is dependent on, it would not have been obvious to modify the Matchup-Silverberg combination as suggested by the Examiner to provide the elements in claim 29.

As noted by the Examiner, claims 32-39 recite limitations as described by claims 23-31. Because Matchup, Silverberg, and their combination fail to provide or anticipate each and every element in claim 23, and similar limitations are described in independent claims 32 and 39 and dependent claims 33-38. The Matchup-Silverberg combination fails to provide, suggest, or motivation the combination therefrom to have the electronic calendaring system, calendar store, the match fulfilling duration of time and where the event is to occur, and a timer module for matching events on a regular interval according to a schedule.

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09/556,303SUMMARY

A response to the arguments presented by the examiner has been provided with regard to the presently amended claims. Specifically, the Matchup reference fails to provide at least the following elements: an electronic calendar matching system, a calendar store, the match fulfilling duration of time and where the event is to occur, and a timer module. Silverberg fails to provide at least the following elements: the match fulfilling the duration of time and where the event is to occur and a timer module. The combination of Matchup-Silverberg also does not provide the required claim elements. Furthermore, the elements of the dependent claims are not provided by either Matchup or Silverberg.

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this amendment has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 12-0010.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,



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